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Attorneys for Plaintiff
Rambus Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RAMBUS INC.,

Plaintiff.

V

INTERNATIONAL BUSINESS MACHINES CORPORATION

Defendant

CASE NO. C 10-03736 JSW
(Related Case: C 10-04017 JSW)

**STIPULATION RE: CASE SCHEDULE;
SUPPORTING DECLARATION OF TINA
E. HULSE;**

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Rambus Inc. ("Rambus") and Defendant International Business Machines Corporation ("IBM"), through their respective counsel of record, respectfully request, and with the Court's permission, stipulate to a three-week extension of the current case schedule. In the last several weeks, the parties have resumed active settlement discussions and believe that they can reach an agreement shortly to resolve this matter and related case, *International Business Machines Corp. v. Rambus Inc.*, No. C 10-04017 JSW.

Specifically, the parties seek a one-week extension of the deadline for submission of the Joint Claim Construction and Prehearing Statement, and a three-week extension of each of the succeeding dates, including the date of the claim construction hearing. Due to compression of the scheduling occasioned by previous extensions that left that claim construction hearing date unchanged, any further schedule extension necessitates movement of the hearing date, as well. The proposed schedule therefore generally restores the intervals between dates as per the original schedule.

More specifically, with the Court's permission, the parties hereby stipulate that the current schedule set forth in the August 11, 2011, Stipulated Order [Dkt. 70] be modified as follows:

EVENT	CURRENT SCHEDULE	PROPOSED DATE
Joint Claim Construction and Prehearing Statement (Patent L.R. 4-3) – Includes Expert Testimony. Parties must attach copies of patents, make available file histories to Court for each involved patent	August 19, 2011	August 26, 2011
Completion of Claim Construction Discovery (Patent L.R. 4-4)	September 6, 2011	September 27, 2011
Rambus Opening Claim Construction Brief (Patent L.R. 4-5(a)). 25 page limit	September 19, 2011	October 11, 2011
IBM Responsive Claim Construction Brief (Patent L.R. 4-5(b)). 25 page limit	October 4, 2011	October 25, 2011

EVENT	CURRENT SCHEDULE	PROPOSED DATE
Rambus - Reply Brief and any evidence directly rebutting the supporting evidence (Patent L.R. 4-5(c)). 15 page limit	October 11, 2011	November 1, 2011
Amended Joint Claim Construction Statement		
Tutorial for the Court	November 1, 2011	November 22 ²⁹ , 2011, or any later date, subject to the convenience of the Court's calendar at 1:00 p.m.
Claim Construction ("Markman") Hearing (Patent L.R. 4-6).	November 15, 2011	December 6, 2011, or any later date, subject to the convenience of the Court's calendar at 1:00 p.m.

By her signature below, counsel for Plaintiff attests that counsel for Defendant concurs in the filing of this stipulation.

Respectfully submitted,

Date: August 18, 2011

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: /s/ Tina E. Hulse

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15 Dated: August 18, 2011

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23 Attorneys for Defendant,
24 International Business Machines Corporation

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SUPPORTING DECLARATION OF TINA E. HULSE

I, TINA E. HULSE, declare as follows:

1. I am an associate at Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P., counsel for Plaintiff Rambus Inc. (“Rambus”). I submit this declaration in support of the parties’ Stipulation Regarding Case Schedule. I make this declaration of my own personal knowledge and will competently testify thereto if called upon to do so.

2. On April 15, 2011, May 12, 2011, June 15, 2011, July 12, 2011, and August 11, 2011, the Court entered Stipulated Orders [Dkt. Nos. 60, 62, 66, 68 and 70], which set forth the claim construction briefing schedule for this action. The June 15, 2011, Stipulated Order [Dkt. 66] also set the technology tutorial for November 1, 2011, at 1:30 p.m. and the *Markman* Hearing for November 15, 2011, at 1:30 p.m.

3. The parties previously requested extensions of time to discuss settlement of this case and related case, *International Business Machines Corp. v. Rambus Inc.*, No. C 10-04017 JSW. Although negotiations had reached a standstill, over the last several weeks, the corporate representatives of the parties have resumed active settlement discussions. The parties have had several telephone conferences and exchanged correspondence, discussing the issues. On July 29, 2011, Rambus representatives presented IBM with a proposed settlement. IBM's representatives made a counterproposal on August 12, 2011. And IBM's representatives sent Rambus's representatives a revised draft of a settlement agreement on August 16, 2011.

4. The parties believe that in the next week, they may be able to reach an agreement that will dispose of not only this matter, but the related case, as well. While the parties had previously made every effort not to disrupt the Court’s calendar, including the date of the claim construction hearing, through its requests for extensions of time, any further schedule extension necessitates movement of the claim construction hearing date. However, as mentioned above, the parties believe they can resolve both cases shortly. As such, the parties seek a continuance of the case schedule of one week for submitting the Joint Claim Construction and Prehearing Statement, and three weeks for the remainder of the schedule for the parties to resolve these matters.

5. The Court previously granted the Stipulated Orders to permit settlement discussions. Otherwise, the only time modification in this case was to change the Case Management Conference from December 3, 2010, to January 14, 2011, to coincide with the hearing on Rambus's motion to dismiss in related case, *International Business Machines Corp. v. Rambus Inc.*, No. C 10-04017 JSW. See Dkt. 48.

6. The requested modification in the current case schedule will not affect any other pre-trial deadlines, such as the previously ordered briefing schedule for claim construction or the dates for the technology tutorial or claim construction hearing, as the pre-trial schedule has not yet been entered in this case.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and this declaration was executed this 18th day of August, 2011.

/s/ Tina E. Hulse
Tina E. Hulse

1 [PROPOSED] ORDER
2 PURSUANT TO STIPULATION, IT IS SO ORDERED, AS MODIFIED.
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4 Dated: August 22, 2011
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Jeffrey S. White
The Honorable Jeffrey S. White
United States District Judge
Northern District of California

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